

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

**POLICY AND PROCEDURES FOR APPEARANCES BY TELEPHONE
*HONORABLE ROGER L. EFREMSKY***

May 2008

1. Permitted Appearances.

In general, telephone appearances are permitted except in situations where the party or counsel:

will be examining witnesses;
is the proponent of a chapter 11 disclosure statement or plan;
is counsel for a client who is present in court; or
is directed by the court to appear personally.

There are no restrictions on eligibility to appear by telephone based upon the geographic location of the counsel or the party.

2. Procedure for Arranging for Telephonic Appearances.

Telephonic appearances are arranged through Court Conference. All parties/counsel using this service must have an account or make arrangements to set one up well in advance of the hearing. If you do not have an account established with Court Conference, you must provide a credit card number at the time of making your reservation.

Appearances are arranged by reservation. To make a reservation, call **1-866-582-6878** no later than **4:00 p.m. PT the day before the appearance**.

Shortly before the Court is ready to call your matter, the Court Conference operator will contact the participant as prearranged. **All participants MUST be available when called.** If the participant is not available when called, the participant will be billed for the call and the hearing may proceed in the participant's absence. The Court may impose sanctions as set forth below.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure a quality record, the use of car phones, cellular phones, public telephone booths, or phones in other public places is prohibited except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo.

At the time of the hearing you may initially be in the listening mode in which case you will be able to hear the case before yours just as if you were in the courtroom. After your call is

connected to the courtroom, the Courtroom Deputy will call the case. The Judge will ask for appearances and direct the manner in which the hearing proceeds. Each time a participant speaks, he or she must identify himself or herself for the record. The Court's teleconferencing system allows more than one speaker to be heard so that the Judge can interrupt a speaker to ask a question or redirect the discussion. When the Judge informs the participants that the hearing is completed, the participants may disconnect and the next case will be called.

Telephonic appearances by multiple participants are only possible where there is compliance with every procedural requirement. **Sanctions may be imposed when there is any deviation from the required procedures or where the court determines that a person's conduct makes telephonic appearances inappropriate.** Sanctions may include dropping the matter from the calendar, continuing the hearing, proceeding in the absence of an unavailable participant, a monetary sanction of **\$100** or more, or a temporary or permanent prohibition against a person/firm appearing telephonically.

When the Court conducts a telephone conference on short notice and uses Court Conference, it may designate one party to bear the entire cost of the conference call. The Court may on occasion initiate calls to one or two persons directly from chambers without use of a conference operator. In those instances, the Courtroom Deputy will contact parties to inform them of the arrangements.

Because the Courtroom Deputy is usually in Court prior to the initiation of any particular call, last minute changes are generally impossible to handle and are discouraged.

Judge Efremsky's Courtroom Deputy is Carol Barnhill, 408. 535-5002.